

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

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In the Matter of the	)	
WASHOE COUNTY TEACHERS	)	
ASSOCIATION and the	)	
WASHOE COUNTY SCHOOL DISTRICT:	)	
	)	CASE No. 102472-A
Determination of the Negotiability	)	
of Proposals for the 1972-1973	)	
Contract Year and Unity Determination.	)	
	)	

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D E C I S I O N

The hearing conducted on March 6, 1973, considered evidence submitted by both parties with respect to whether the following proposals should be the subject of mandatory negotiation: teacher hours, instructional supplies, school nurses, adult education, parent-teacher conferences, field trips, teacher evaluation of evaluators, school libraries, and substitute teachers.

The Board also considered evidence with respect to the question of a unit determination relating to whether or not the Association could properly represent adult education teachers and substitute teachers within their negotiating unit which the District alleged is restricted by definition to "regular daytime teachers."

I. NEGOTIABILITY:

FINDINGS OF FACT

Based upon the evidence introduced, the Board makes the following findings of fact:

TEACHER'S HOURS

The proposal calls for the hiring of an indeterminate number of non-professional persons to be assigned to non-teaching duties. It thus involves the determination of the appropriate numbers of employees, the hiring of employees, and the assignment of employees in non-teaching, administrative support tasks.

However, the substance of the proposal involves and concerns the utilization of teacher time within the normally prescribed teaching day in order to perform certain clerical and supervisory duties consistent with the expected service and recognized professional responsibility of classroom teachers pursuant to Article 8-4 of the Professional Negotiation Agreement between the parties.

#### INSTRUCTIONAL MATERIALS

This proposal refers only to a discretionary fund of \$100.00 which would be established for each full time teacher. The evidence showed that this could be a good subject for constructive discussion between the parties. However, the evidence did not show that, in addition to regular instructional materials furnished by the district, this extra \$100.00 allowance concerns a teacher's wages, hours, and working conditions.

#### SCHOOL NURSES

There was no evidence to show that in non-emergency situations, the hiring of additional non-teaching nurses, the number of nurses in the district, or the assignment of nurses would concern a teacher's wages, hours, and working conditions.

#### ADULT EDUCATION

The parties have agreed to withdraw this proposal because adult education in Washoe County is being transferred from the school district to the Community College system.

#### PARENT-TEACHER CONFERENCES

The evidence indicated that the preparation for and holding of parent-teacher conferences may involve time beyond the normally prescribed teaching day and therefore affects the total amount of work required for a teacher's fixed compensation. However, the evidence did not disclose that the date or dates within the school year when any such conferences would be scheduled or the release of special education teachers from their regular

duties for the purposes of additional conferences concerns wages, hours, or working conditions.

#### FIELD TRIPS

The evidence indicated a general agreement that field trips are a good method of instruction and that field trips represent a specialized addition to instructional materials.

The question of negotiability centered on whether (1) field trips shall be made a part of the curriculum, and (2) whether authorization for trips, other than those in the field trip handbook, is subject only to a proper application.

The evidence did not show these two parts of the proposal concern a teacher's hours, wages, and working conditions.

#### TEACHER EVALUATION OF EVALUATORS

There was evidence to suggest that an informational evaluation procedure might be useful and might be a subject for constructive discussion between the parties. However, the proposal in question calls not only for evaluation it supplies the criteria and a procedure for advising the administrator "as to improvements which are expected in his professional services." It provides further that the teachers may involve the superintendent in implementing such "improvements." The proposed evaluation procedure is unquestionably directed toward management responsibilities to classify, transfer, promote, or dismiss. NRS 288.150 (2) (b).

There was also a suggestion in the evidence that some teacher-evaluators, faced with the responsibility of affecting an administrator's career, would find it difficult to make an honest evaluation.

#### SCHOOL LIBRARIES

There seemed to be agreement that libraries represent an important additional resource. This particular proposal asks to

negotiate the establishment of libraries and their composition and staffing which are management prerogatives. No evidence suggested that these questions concern a teacher's wages, hours, and working conditions.

#### SUBSTITUTE TEACHERS

No evidence was presented which indicated that in non-emergency situations the selection of substitute teachers, the training of substitute teachers, or the hiring of substitute teachers concerns a teacher's wages, hours, or working conditions.

There was evidence that presently there is a large pool of fully accredited teachers available to substitute in the Washoe County School district.

#### CONCLUSIONS OF LAW

##### TEACHER HOURS

Whether or not the district shall employ non-teaching aids concerns a teacher's wages, hours, and working conditions and is therefore negotiable.

The hiring and assignment of such non-teaching personnel is a management function and is not negotiable.

##### INSTRUCTIONAL MATERIALS

Where a school district is reasonably responsive to its teachers' needs for instructional materials, the subject of an additional \$100.00 minimum discretionary fund for each full time teacher to purchase instructional materials for use in the classroom which are not otherwise available through the school district is not negotiable.

##### SCHOOL NURSES

The hiring and assignment of nurses for duties other than teaching is a management prerogative and not negotiable.

##### PARENT-TEACHER CONFERENCE

Section 1 of the proposal, the dismissing of the classes each semester so parent-teacher conferences may be held, concerns

a teacher's hours and working conditions and is negotiable.

Sections 2 and 3 of the proposal encompass management responsibilities and prerogatives under NRS 288.150 (2) and are not negotiable.

#### FIELD TRIPS

Field trips, as a part of the curriculum, and as a method of instruction, and the logistics of field trips including safety, are a management responsibility, not subject to negotiation.

#### TEACHER EVALUATION OF EVALUATORS

This proposal, as presented, attempts to burden teachers with management responsibilities expressly set forth in NRS 288.150 (2) (b) and is not negotiable.

#### SCHOOL LIBRARIES

The number of school libraries, and the composition and staffing of school libraries are not negotiable.

#### SUBSTITUTE TEACHERS

This proposal is not negotiable.

### II. UNIT DETERMINATION

#### FINDINGS OF FACT

#### ADULT EDUCATION

The parties have agreed to withdraw this proposal because adult education in Washoe County is being transferred from the school district to the Community College system.

#### SUBSTITUTE TEACHERS

The evidence showed substitute teachers to be separately defined by the State Legislature. Substitute teachers require less for certification and are specifically excluded from the Professional Practices Act. NRS 391.3115. Further, substitute teachers in Washoe County on short term assignments of less than 20 days are paid a nominal per diem wage considerably less than regular teachers and receive neither fringe benefits nor any assurance of

subsequent employment. However, a substitute teacher in Washoe County who is going to be in a position more than twenty days is given a short term contract within the teachers' salary schedule, which then makes them, by the definition agreed to by the parties, a member of the bargaining unit.

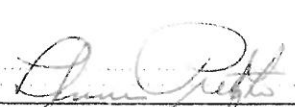
No evidence was presented to show a strong community of interest between full time professionals responsible for the results of a full year's classroom activities and substitute teachers employed casually by the day.

#### CONCLUSIONS OF LAW

##### SUBSTITUTE TEACHERS

Only those substitute teachers in Washoe County who are employed on short term contract on the teachers' salary schedule have a sufficient community of interest to be included in the bargaining unit.

Dated this 26<sup>th</sup> day of March, 1974.

  
DENNIS PLETZKE, Chairman

  
HARRIET TRUDELL, Member

C. ROBERT COX, VICE CHAIRMAN OF THE BOARD, DID NOT PARTICIPATE IN THE HEARING OR DETERMINATION OF THIS COMPLAINT.